

Warrant Article 9: Allowing up to Three Homes in T Districts

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To see if the Town will amend Section 4.07 (Table of Use Regulations) and Table 5.01 (Dimensional Requirements) of the Brookline Zoning By-Law by making changes as detailed below (additions appear underlined; deletions appear as strike-through):

Amend §4.07 **TABLE OF USE REGULATIONS**, as follows:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
RESIDENCE USES									
1. Detached dwelling on a separate lot and occupied by not more than one family.	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
1A. Cluster subdivisions, designed groups of single-family dwellings, and estate conversions permitted pursuant to the regulations and conditions of § 5.11.	SP	SP	No	No	No	No	No	No	No
2. Detached dwelling on a separate lot originally constructed for single-family occupancy prior to the effective date of this By-law and containing a minimum gross floor area of 2,400 square feet and converted for occupancy by not more than two families, provided there is no external evidence of occupancy by more than one family.	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
3. Detached dwelling converted for two-family occupancy conforming to the requirements of the preceding item except that external evidence of conversion is required to conform to other codes.	No	SP	Yes	Yes	Yes	Yes	No	Yes	No
4. Detached dwelling on a separate lot and occupied by two families, other than Uses 2 and 3 above.	No	No	Yes	Yes	Yes	Yes	No	Yes	No
4A. Dwelling on a separate lot for three families or attached dwelling on a separate lot for two families.	No	No	No Yes	Yes	Yes	Yes	Yes	No	Yes
4B. Attached dwelling on a separate lot for two families.	No	No	No	Yes	Yes	Yes	Yes	No	Yes

Amend Article V **DIMENSIONAL REQUIREMENTS**, as follows:

Table 5.01 - Table Of Dimensional Requirements		Lot Size Minimum (sq. ft.)	Floor Area Ratio Maximum	Lot Width Minimum (feet)	Height ⁹ Maximum (feet)	Minimum Yard ^{3,10} (feet)			Open Space (% of gross floor area)	
District	Use					Front ^{1,6}	Side ²	Rear	Landsc.	Usable
T-6	1-family detached dwelling	5,000	0.75	45	35	15	7.5	30	10%	30%
	2-family dwelling	6,000	0.75	55	35	15	10	30	10%	30%
	3-family dwelling	6,000	0.75	55	35	15	10	30	10%	30%
	1-family attached dwelling	3,000	0.75	25	35	15	none ₂	30	10%	30%
	Any other structure or principal use	6,000	0.75	55	35	25	20	40	30%	none
T-5 T-5(NH) ²¹ [Editor's Note: Footnote should be read as 21A.]	1-family detached dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	3-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none ₂	30	10%	30%
	Any other structure or principal use	5,000	1.0	50	35	25	20	40	30%	none

Or act on anything relative thereto.

Petitioners' Explanation of Warrant Article 9

Our community and our country are in a housing crisis that is driving up housing costs, threatening our diversity, our vitality, and our economic competitiveness. As part of the greater Boston area, Brookline's economic and social strength requires creative, inventive people. When people can't afford to live here they go elsewhere, taking their creativity, their innovations and their incomes with them.

Like the climate crisis, the housing crisis requires diverse policy responses to fashion a sustainable future. No single action is enough, so we must simultaneously be aggressive and patient. Aggressive in expanding housing options, and patient in expecting results. Our once-every-twenty-year Comprehensive Planning process will reveal our community's vision and values for land use, and lead to approaches that can be implemented over time. But the urgency of the need and the time required for zoning changes to translate into new housing requires Brookline to act now.

Warrant Article 9 will provide a modest increase in Brookline's housing stock over time.

This article would allow a third unit by right within "T" (Two family) zoning districts while retaining all other applicable zoning regulations. The article would not change the allowable height, lot coverage, maximum floor area ratio, open space, parking requirements, or any other zoning parameter. Special permits and design review will continue to be required for many proposed alterations.

Warrant Article 9 follows recommendations to permit additional units in T districts from Town Meeting in 2022, the Housing Production Plan adopted last year, and from the Planning Department and the Planning Board. It also builds on the protections to our neighborhoods passed in 2022, which include requiring a special permit and design review after a full demolition permit has been granted. When a building is substantially preserved during a renovation, homeowners in T districts would be allowed to add a third home by right, which will typically be more affordable than homes rebuilt after a full demolition.

Over 75 three family buildings are already present in the T districts. Even if homeowners converted 12 parcels per year to contain three family buildings (a significantly higher rate than seen in many years), that would yield about 60 units in five years, a modest number that is less than the number of three family buildings already in Brookline's T districts.

Warrant Article 9 will help residents remain in their homes as their housing needs change.

Most of Brookline's T district parcels are currently owner occupied (See Appendix A). Owners could rent out an additional unit for extra income, or sell it as a condo to reduce their mortgage. They could create an accessible unit and age in place, or build an independent apartment for their adult children, a home health aide, a nanny, or for their aging parents. As Brookline confronts the need to raise taxes to support our schools and ensure basic Town services, residents could also use income from this third unit to offset those tax increases.

Warrant Article 9 will reduce the likelihood of teardowns. Full demolitions and rebuilds in the T districts are rare, only 24 since 2016, or less than three per year. And, since the passage of those fall 2022 Articles, of the 15 significant buildings subjected to demolition delays, only one has received a full demolition permit. The option of creating a third unit will give existing homeowners one less reason to sell homes in T districts to developers for full demolitions and

rebuilt. Since full demolitions and rebuilds typically occur after a change in ownership, this option will further reduce their likelihood.

Every renovation or rebuild that doesn't allow more homes is a lost opportunity. Passing this article now will provide an option recommended repeatedly for several years; let existing residents retain their home; allow Brookline to get more of what our community wants from the handful of older homes that are rebuilt; and chip away at our regional housing shortage, enabling new neighbors to call Brookline "home".

Town Meeting should not refer Warrant Article 9 subject matter to the Comprehensive Planning Steering Committee

Supporters of referring this article to the Comprehensive Plan Steering Committee cite three reasons for their votes: lack of a robust public vetting process; Warrant Article 26, passed in 2021, implied that any zoning changes must wait until the completion of the Comprehensive Plan; and zoning changes need more consensus than can be established through bringing articles to Town Meeting.

Here are the lessons we, the petitioners of WA9, take from the MBTA-CA process, the directives of Article 26, and the benchmarks for the Comprehensive Plan.

1. Directed by state law, The MBTA-CA Consensus Article led to new, form-based zoning codes for most of Harvard Street, allowing greater physical density with broad public support. Its extensive public process was unique, as it was the first complete rewrite of any district's base zoning in 50 years. By contrast, Warrant Article 9 is a single change to the existing zoning of T districts, and will have gone through two months of public hearings before it's voted on by 255 Town Meeting members.
2. Article 26 resolved to continue ongoing planning studies without impediment, including the Housing Production Plan (HPP), which included intensive community engagement throughout 2022, and was adopted by the Select Board in 2023. However, Article 26 did not prohibit further changes to the zoning code. Town Meeting has passed several land use articles since then, including expanded demolition delays and protections for existing buildings (Fall 2022, WAs 11, 12 and 13), and design guidelines that shrink the buildable envelope in T-5 districts north of Harvard Street to preserve neighborhood character (Spring 2023, WA 16). Taken together, these articles made specific changes to every zoning district in Brookline. Zoning changes that increase housing affordability should be allowed the same permission to come to Town Meeting as those that limit new homes.
3. Comprehensive Planning, which occurs once every twenty years, aims to unite the community around a shared Vision for future land use. To succeed, this process must first capture broad community interest and participation; build a shared vocabulary around land uses; and involve all stakeholders in conversations that develop a community-wide consensus Vision of Our Future. Somerville took 3 years to develop its Comprehensive Plan (Somervision), another 3 years to articulate area-specific designs (Somerville by Design), and 3 more years to create a comprehensive zoning rewrite. Brookline may complete its Plan in less than three years. However, we should measure our success not by meeting an arbitrary deadline, but rather by achieving a high level of inclusion and successfully uniting the community around a shared Vision.

Given Brookline’s urgent housing challenges, deferring zoning changes until the Comprehensive Plan’s completion and implementation risks neglecting immediate needs. Young professionals cannot establish themselves in Brookline. Families are leaving because they cannot afford to live here. Seniors who wish to downsize cannot remain because zoning by-laws prevent them from adapting their homes to new life stages.

Town Meeting is our representative body for the entire town, and the process for bringing articles before Town Meeting, including public hearings, advisory opinions, and consideration by all Town Meeting members, serves a vital role in addressing ongoing community needs. The people of Brookline deserve the opportunity to meet our housing challenges through changes like those made in Article 9.

Recent zoning activity affecting the T districts

Each of the warrant articles and plans below called for the creation of additional housing within the T districts. Warrant Article 9, in combination with already existing restrictions, would fulfill that goal.

The 2022 Demolition-Related Articles

In fall of 2022, Town Meeting passed three articles to reduce demolitions and preserve the existing built environment across Brookline. Article 11 imposed an additional twelve months’ delay on demolitions, effectively creating a 24-month delay on demolition permits. Article 12 asked “the Department of Planning and Community Development to consider measures that would help reduce the number of demolitions in Brookline” by the end of the 24-month moratorium on demolitions. Article 13 amended a zoning by-law (§5.09.2) to require a special permit and design review if a home is fully replaced. The combined explanation for these three Articles describes the reasons to preserve of our current built environment (see Articles 11, 12, and 13 in the [Combined Reports](#)).

Allowing additional units in residential zoning districts appeared in the petitioners’ explanation for the 2022 demolition-related articles. Under the assertion that older structures provide less expensive housing than their replacements, the petitioners suggested ***allowing “a greater number of housing units***—including affordable units—than the underlying zoning allows, if the principal structure is preserved, perhaps through a preservation restriction (emphasis added).¹ This suggestion was a crucial part of the balanced solution that Town Meeting contemplated when it passed those articles.

The recent actions by the Town and the Commonwealth to loosen restrictions on the creation of Accessory Dwelling Units (ADUs) on parcels with single-family homes is one way to implement this suggestion. Allowing a third unit in T districts represents another such opportunity.

The T-5(NH) District Rezoning Article

In the Spring of 2023, as part of its response to the 2022 demolition-related articles, the Planning Department proposed, and Town Meeting adopted, zoning changes in T-5 districts north of Coolidge corner (the “T-5 (NH)” rezoning, Article 16). These changes, which were meant to discourage tear-downs and preserve neighborhood character, included massing standards, depth limitations, and roofline restrictions. Even the pro-housing group Brookline for Everyone

¹ Article 12 Amendment, Supplement No. 1, Page 2.

endorsed the T-5 (NH) proposal “*as a first step,*”² with the explicit expectation that the T-5 (NH) districts would be revisited with an eye toward allowing an additional unit (the “T-plus-one” idea, as it is often called).

In its favorable report on the T-5(NH) proposal, the Planning Board took a similar position. They stated that “[t]he committees understood that the new T-5 (NH) zoning *was meant to be a stop-gap measure to provide time for public discussion of the idea of allowing a third dwelling unit in the T-5 district* and allowing additional roof styles when architectural design standards were formulated for them (emphasis added).”³

The Housing Production Plan

Brookline’s Housing Production Plan, adopted last year, was developed out of extensive community engagement. It recommends the town should “provide incentives for adding units to historic houses in T and F districts instead of demolishing them and building larger structures.” Warrant Article 9’s modest change enables residents to remain in place, adding somewhat more affordable housing units that address the housing shortage, while discouraging teardowns. These goals are consistent with the values expressed through the HPP, and will not result in changes in the appearance of our neighborhoods.

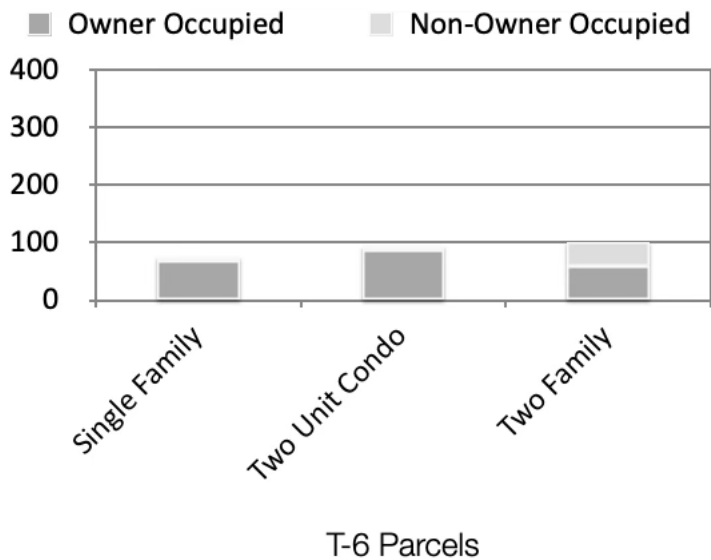
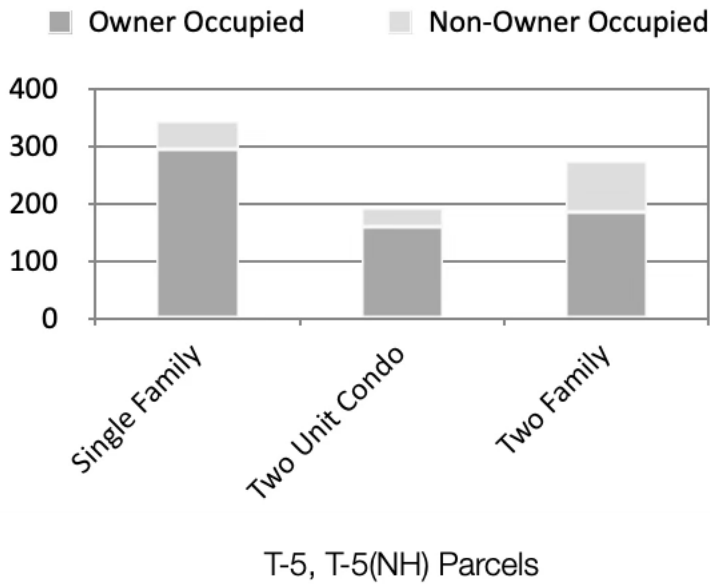
² [B4E Spring 2023 Warrant Article Endorsements](#), Page 1 and 5

³ [2023 Annual Town Meeting Combined Reports](#), page 16-8

Appendix A

The charts below show the number of owner occupied vs non-owner occupied residential parcels for the T districts that could hold three units but currently contain fewer than three units. The first chart contains data for the T-5 and T-5(NH) districts and the second chart contains data for the T-6 districts.

These charts show that the majority of residential parcels for the T districts that could add a third unit are owner-occupied.



Appendix B

The charts below show the number of residential parcels for the T districts that could hold three units but currently contain fewer than three units. The first chart contains data for the T-5 and T-5(NH) districts and the second chart contains data for the T-6 districts.

The X axis shows the parcel sizes in square feet, grouped by thousands. The Y axis shows the number of parcels that are in each thousand of square feet. These charts show that most of residential parcels for the T districts that can contain two or three dwelling units are within 2000 square feet of the minimum lot size.

